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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
|-----------------|-------------|----------------------|---------------------|------------------|

10/811,122

03/25/2004

Zoran Ozren Sekulic

SEKU 2835

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09/11/2006

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EXAMINER

SKURDAL, COREY NELSON

ART UNIT

PAPER NUMBER

3727

DATE MAILED: 09/11/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

| | | | |
|------------------------------|--------------------------------------|---|--|
| Office Action Summary | Application No. 10/811,122 | Applicant(s) SEKULIC, ZORAN OZREN | |
| | Examiner Corey N. Skurdal | Art Unit 3727 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 3/25/2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 25 March 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Specification

1. The abstract of the disclosure is objected to because line 4 recites the phrase "through the and secured." Correction is required. See MPEP § 608.01(b).

Claim Objections

2. Claim 11 is objected to because of the following informalities: line 2 should read, "for adjusting the distance." Appropriate correction is required.
3. Claim 12 is objected to because of the following informalities: the claim does not end with a period. Appropriate correction is required.

Claim Rejections - 35 USC § 112

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

5. Claims 5-16 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In particular, claim 5 recites the limitation "the length" in line 9. It is unclear what length of the strap the claim is reciting. As the claim is currently worded, it appears to apply padding to the whole length of the strap, but could also refer to only a portion of strap length. Therefore the claim is rendered indefinite.

Claim Rejections - 35 USC § 102

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

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A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

7. Claims 1, 2 and 4 are rejected under 35 U.S.C. 102(b) as being anticipated by Parsons (US D457,725).

Regarding claim 1, Parsons (referring to Figure A shown below) discloses a carrying device including a strap 1, first engagement means 2, second engagement means 3, and means for adjusting the strap 4 separating the first and second engagement means. The initial statement of intended use and all other functional implications have been carefully considered but are deemed not to impose any patentably distinguishing structure over that disclosed by Parsons which is capable of being used in the intended manner, i.e., for lifting and maneuvering a wheelbarrow by attachment means at a first and second handle (see M.P.E.P. 2111).

Regarding claim 2, Parsons discloses use of buckles 4 through which the strap 1 is threaded.

Regarding claim 4, Parsons discloses engagements means 2 which form a ring shape into which the handle of a wheelbarrow could be inserted, effectively satisfying the claims.

Claim Rejections - 35 USC § 103

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

9. Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Parsons in view of Seymore (US 915,628). Parsons discloses the invention substantially as claimed including a strap, engagement means, and adjusting means. Parsons does not have a first engagement means comprising a hook. However, Seymore teaches the use of a weight carrying mechanism with shoulder straps 6 and engagement means being hooks 9. Therefore it would have been obvious to one skilled in the art at the time of invention to provide Parsons with hooks as engagement means in order to simplify attachment to an object.

10. Claims 5-10, and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Parsons in view of Elkin (US 4,335,875).

Regarding claims 5 and 6, Parsons discloses the invention substantially as claimed including a strap 1 with a first and second end, a first engagement means 2, and second engagement means 3. Parsons does not expressly disclose having flexible padding attached to the strap. However, Elkin discloses a device to be worn around the neck, with a strap 16 that passes through tubular and flexible padding 14. Therefore it would have been obvious to one skilled in the art at the time of invention to provide Parsons with a tubular and flexible padding in order to distribute and soften the pressure on the users neck. Regarding the initial statement of intended use and all other functional implications have been carefully considered but are deemed not to impose any patentably distinguishing structure over that disclosed by Parsons which is capable of being used in the intended manner, i.e., for lifting and maneuvering a wheelbarrow by attachment means at a first and second handle (see M.P.E.P. 2111).

Regarding claim 7, the modified device of Parsons discloses the claimed invention wherein the padding has a passage 17 through which the strap is able to move.

Regarding claim 8, the modified device of Parsons discloses the claimed invention, including flexible padding with a non-uniform thickness. Concerning the non-uniform thickness, it can be shown that multiple measurements could be taken which would vary and be 'non-uniform'. See Figure 3 of Elkin.

Regarding claim 9 and 10, the modified device of Parsons discloses the claimed invention with buckles 4 which allow the user to adjust the distance separating the first and second engagement means.

Regarding claim 13, the modified Parsons device discloses engagements means 2 which form a ring shape into which the handle of a wheelbarrow could be inserted, effectively satisfying the claims.

11. Claims 11, and 14 -20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Parson in view of Elkin and in further view of Settelmayer (US 2001/0054219).

Regarding claim 11, the modified Parson device discloses the invention substantially as claimed, as applied to claims 5 and 9, but does not have adjustment means being a cam-buckle. However, Settelmayer discloses a cam-buckle 134 for use with a strap 132 for securing objects. Therefore it would have been obvious to one skilled in the art at the time of invention to exchange the buckle of Parsons with the cam-buckle of Settelmayer in order to hold the straps securely in place.

Regarding claim 14 and 15, the modified Parsons device discloses the claimed invention including a first and second cam-buckle for locking the strap in a first and second position, such that two loops are formed at 2 and 3 and such that the intermediate strap length is a function of the first and second positions. Furthermore, in exchanging the Settlemayer buckle for the Parsons buckle, the straps would be arranged in the claimed manor with the strap threaded through the cam-buckle in opposite directions to define the a first loop.

Regarding claim 16, the modified Parsons device discloses the claimed invention wherein the first and second engagement means are secured to the strap by loops at 2 and 3, effectively satisfying the claims.

Regarding claims 17 and 18, the modified device of Parsons discloses the claimed invention including a strap 1, first and second locking means being the cam-buckles of Settlemayer, and a first and second loop 2 and 3 capable of engaging a wheelbarrow's handles.

Regarding claims 19 and 20, the modified Parsons device discloses the claimed invention with flexible padding mounted on the lifting strap between the locking means, the padding being tubular, and having a passage through which the strap may pass freely.

12. Claim 12 is rejected under 35 U.S.C. 103(a) as being unpatentable over Parsons in view of Elkin and in further view of Seymore (US 915,628). The modified Parsons device discloses the invention substantially as claimed including a strap, engagement means, adjusting means, and flexible padding. Parsons does not have a first

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engagement means comprising a hook. However, Seymore teaches the use of a weight carrying mechanism with shoulder straps 6 and engagement means being hooks 9.

Therefore it would have been obvious to one skilled in the art at the time of invention to provide Parsons with hooks as engagement means in order to simplify attachment to an object.

Conclusion

13. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Holton (US 6,648,381) discloses a strap with cam-buckle. Ammerman (US 6,863,202) discloses a shoulder carrier with slideable padding. Mattox (US 6,652,431) discloses a hook with a harness. Heckerman (US 5,143,266) discloses another harness for lifting objects. Silver (US 4,978,044) discloses a luggage strap. Cepull (US 2003/0150175) discloses a harness for use with a pull cart.

14. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Corey N. Skurdal whose telephone number is 571-272-9588. The examiner can normally be reached on M-Th 8am-4pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nathan Newhouse can be reached on 571-272-4544. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

CNS


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SUPERVISORY PATENT EXAMINER